

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TAMMY J. KITZMILLER, <i>et al.</i>)	
Plaintiffs,)	
v.	)	Civil Action No. 4:04-CV-2688
DOVER AREA SCHOOL DISTRICT	)	Hon. John E. Jones, III
and DOVER AREA SCHOOL)	
DISTRICT BOARD OF DIRECTORS,)	
Defendants,	)	AFFIDAVIT OF
FOUNDATION FOR THOUGHT AND	)	ELIZABETH A. MURRAY
ETHICS,	)	IN SUPPORT OF APPLICATION
Applicant for Intervention.	)	TO INTERVENE AND
	)	MEMORANDUM OF LAW IN
	)	SUPPORT THEREOF BY
	)	FOUNDATION FOR THOUGHT
	)	AND ETHICS

I, Elizabeth A. Murray, hereby state as follows:

1. I am competent and over the age of majority.
2. On May 26, 2005, I visited the website of the American Civil Liberties Union (“ACLU”), which is available at <http://www.aclu.org>.
3. On its website, the ACLU posted a February 10, 2005 press release, which is entitled, “ACLU of Arkansas Action Results in Removal of Evolution Disclaimers From Science Textbooks.”
4. The press release states that the ACLU sent a letter to the Beebe School District in Beebe, Arkansas, demanding that stickers be removed from science textbooks.

5. According to the ACLU's press release, the stickers undermined "the validity of evolution and introduc[ed] the religious concept of an 'intelligent designer' behind the origin of life."

6. The press release states that "[i]n its letter to the school district, the ACLU cited the recent decision in the federal lawsuit, *Selman v. Cobb County School District*, which held that similar stickers in Georgia textbooks violate the First Amendment."

7. In the press release, the ACLU states that the Beebe School District agreed to remove the stickers from the science textbooks following action by the ACLU.

8. Attached to this affidavit as Exhibit A is a true and correct copy of the February 10, 2005 press release that I obtained from the ACLU website at:

<http://www.aclu.org/ReligiousLiberty/ReligiousLiberty.cfm?ID=17456&c=139>.

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DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that I have read the foregoing Affidavit and the factual allegations thereof and that to the best of my knowledge the facts alleged therein are true and correct.

Executed this 27th day of May, 2005 in Scottsdale, Arizona.

s/Elizabeth A. Murray
Elizabeth A. Murray, Esquire

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above document was served electronically on the below listed individuals by electronic filing using the ECF system for the United States District Court, Middle District of Pennsylvania, and is available for viewing on its website.

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By: s/Leonard G. Brown, III
Leonard G. Brown, III, Esquire

Date: May 27, 2005